

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING TITLE 13 AND TITLE 14 OF THE BRIGHTON MUNICIPAL CODE PERTAINING TO WATER, WASTEWATER AND STORM DRAINAGE FEES AND CHARGES ASSESSED BY THE CITY OF BRIGHTON; SETTING FORTH EFFECTIVE DATES FOR SAID RATES, FEES AND CHARGES; AND OTHER DETAILS RELATED THERETO.

ORDINANCE NO.: 2244

INTRODUCED BY: Humbert

WHEREAS, authority is granted by the Charter to the governing body of the City of Brighton, Colorado, to assess fees and charges for services provided by the City; and

WHEREAS, the Utilities Department has completed an intensive cost of service and rate study analysis through consultation with Willdan Financial Services; and

WHEREAS, the analysis included a thorough review of current and future operational and capital expenditures required to operate City utilities in a conscientious and sustainable manner; and

WHEREAS, the Utilities Department takes the responsibility to maximize cost savings and minimize expenses seriously. Rate and fee increases must continue to keep pace with the cost-of-service requirements, while steps to reduce the overall cost of the various services remain the primary focus in the establishment of rates and fees; and

WHEREAS, the result of this study showed the need for a 2017 revenue increase of 7% in the water fund, 4% in the wastewater fund, and by \$1.67 per customer bill for stormwater fees over the average revenues generated from 2016; and

WHEREAS, the City Council has been advised by the City Manager that certain fees and charges should be amended to offset the City's costs of service for the provision of water, wastewater and storm drainage services; and

WHEREAS, The City Manager has recommended and the City Council agrees that the rates, fees, and charges adopted herein shall become effective on the dates specified herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH THE WATER, WASTEWATER, AND STORMWATER ENTERPRISES, AS FOLLOWS:

The following amendments shall be effective beginning January 1, 2017.

Section 1. Section 13-4-90 of the Brighton Municipal Code is hereby amended to read as follows:

Sec. 13-4-90 Water plant investment fee schedule.

- (a) Whenever a person, firm or corporation makes application for a permit to use City water for property located within the City limits, a water plant investment fee (PIF) shall be charged to the applicant in accordance with a schedule of fees to be set by ordinance duly adopted by the City Council after review of such fee schedule as the City Council from time to time deems necessary.

- (b) Water tap fees for previously accepted mains. All taps onto an existing water main will be made by the contractor under City supervision. The contractor will supply all materials needed and complete all construction for the tap connection in strict compliance with applicable City standards and specifications. The contractor will install the meter pit or vault according to City specifications. The City shall install all three-quarter and one-inch meters. The contractor shall install all meters larger than one-inch in size under City supervision. There is no charge for meter installation by the City.
- (c) Water meter pits or vaults are to be provided and installed by the contractor.
- (d) Water meters are required on all water taps and must be purchased at time of building permit. The water meter charges shall be in an amount equal to the City's cost for the purchase of the water meter.
- (e) The water plant investment fees shall be as follows:
- (1) Plant Investment Fees for single-family detached, mixed use, commercial, industrial, and other uses not specifically delineated herein shall be assessed based on tap size and whether water rights are being dedicated in conjunction with the new tap purchase. The With Water Rights Plant Investment Fee shall apply if water shares are to be dedicated in conjunction with the purchase of the tap. The Without Water Rights Plant Investment Fee shall apply if no water shares are to be dedicated in conjunction with the purchase of the tap. These Plant Investment Fees shall be as follows:
 - a. Three-quarter inch tap

With Water Rights	\$10,640
Without Water Rights	\$20,250
 - b. One inch tap

With Water Rights	\$17,733
Without Water Rights	\$33,750
 - c. One-and-one-half inch tap

With Water Rights	\$35,465
Without Water Rights fees for taps greater than 1" will be developed based on water demands and determined by the City's specific site review at prevailing rates for water acquisition	
 - d. Two-inch tap

With Water Rights	\$57,743
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 - e. Three-inch tap

With Water Rights	\$106,393
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 - f. Four-inch tap

With Water Rights	\$177,321
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 - g. The fees for taps larger than four inches shall be determined on a case by case basis, after review by the Utilities Department.

- (2) Water Plant Investment Fees for multi-family dwellings, including apartment buildings or condominiums, single-family attached (such as duplexes or townhomes), and single-family detached with carriage unit shall assessed based on number of units. A carriage unit that is detached from the main structure will pay the fee for an additional unit. If the carriage unit is restricted to prohibit rental of the unit separate from the main structure, fees shall be as detailed in Paragraph (1). The With Water Rights Plant Investment Fee shall apply if water shares are to be dedicated in conjunction with the purchase of the tap. The Without Water Rights Plant Investment Fee shall apply if no water shares are to be dedicated in conjunction with the purchase of the tap. These Plant Investment Fees shall be as follows:

a. With Water Rights	
First Living Unit	\$10,640
Each Additional Unit	\$6,384
b. Without Water Rights	
First Living Unit	\$20,250
Each Additional Unit	\$11,845

- (3) Water Plant Investment Fees for mobile home parks shall be assessed on a per user unit basis. The With Water Rights Plant Investment Fee shall apply if water shares are to be dedicated in conjunction with the purchase of the tap. The Without Water Rights Plant Investment Fee shall apply if no water shares are to be dedicated in conjunction with the purchase of the tap. These Plant Investment Fees shall be as follows

a. With Water Rights	\$10,640
b. Without Water Rights	\$20,250

- (4) A Water Resource Fee of Twenty-two thousand dollars (\$22,000.00) per acre-foot is required for public land donations when the development is paying the Water Plant Investment Fees under the "without water rights" schedule. The requirement will be calculated according to the then- applicable "water dedication worksheets" prepared by the Department of Public Works. The developer will make all taps in new construction and shall pay a fifty-dollar inspection fee for each tap. If the inspection reveals deficiencies in the installation of a new water meter by the water user or a plumber, the inspector shall provide to the water user a written notice of those deficiencies. If the Utilities Department has to return to a site for an installation inspection more than two (2) times after the written notice of deficiencies, the water user shall pay seventy-five dollars (\$75.00) for each additional inspection until the deficiencies are cured.

- (5) For any connection greater than two (2) inches and for all industrial users, the owner shall provide to the City an acceptable water resource report authored by a registered professional engineer experienced in water resources in addition to payment of the water plant investment fee.

(f) <Deleted>

(g) <Deleted>

(h) <Deleted>

(i) No connection to the City waterworks system shall be made unless all charges and assessments therefor are paid in full in advance of the connection.

Section 2. Section 13-4-130 of the Brighton Municipal Code are hereby amended to read as follows:

Sec. 13-4-130. Charges – Monthly Water Service – Schedule. All water rate charges for use of water in the City shall be assessed pursuant to a schedule of fees to be set by ordinance duly adopted by the City Council after review of such fee schedule as the City Council from time to time deems necessary. The following shall be the schedule of monthly water service rates for the use of water in the City on a metered rate basis.

(a) Residential monthly fixed charge for water service. Effective for all bills dated after January 1, 2017, a monthly fixed charge shall be billed to all water accounts whether there is water usage or not. This charge shall be billed as follows:

Residential Monthly Water Service Fee	\$16.00
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(b) Residential and Residential Irrigation Volume-Based Water Rates Monthly Charge per following monthly volume-based charge will be added to the monthly fixed charge. The following monthly volume-based water rates shall apply per one thousand (1,000) gallons used:

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|---|--------|
| (1) Zero (0) gallons up to and including three thousand (3,000) gallons | \$2.80 |
| (2) Three thousand and one (3,001) gallons up to and including fifteen thousand (15,000) gallons | \$5.14 |
| (3) Fifteen thousand and one (15,001) gallons up to and including twenty-five thousand (25,000) gallons | \$5.54 |
| (4) Twenty-five thousand and one (25,001) gallons up to and including forty thousand (40,000) gallons | \$6.00 |
| (5) Forty thousand and one (40,001) gallons and greater | \$7.00 |

(c) Budget Billing. Any homeowner in the City who has timely paid their water bill for the prior twelve months, may be eligible for budget billing, as defined herein. Homeowners may apply for budget billing based upon previous annual average consumption at that address. Each year, in March, the next year's budget billing amount shall be computed. Any underpayment shall be billed to the homeowner. Any over-payment shall be credited to the homeowner.

(d) Multi-family Residential Volume-Based Water Rates. Effective with all utility bills dated after January 1, 2017, the following monthly volume-based charge will be added to the monthly fixed charge. The following monthly volume-based water rates shall apply per one thousand (1,000) gallons used:

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|---|--------|
| (1) All usage from zero (0) up to and including forty thousand (40,000) gallons | \$5.62 |
| (2) Usage over forty thousand (40,000) gallons | |
| a. Combined or Indoor Multi-family Use | \$7.00 |
| b. Multi-Family Irrigation | \$9.15 |

(e) Commercial, Municipal Potable, Irrigation, Non-Potable Irrigation, Industrial, Mixed Use, Bulk and Schools Monthly Fixed Charges. Effective for all utility bills dated after January 1, 2017, the following monthly fixed charge shall be billed to all water accounts whether there is water usage or not. These fees shall be applied based on tap size.

- | | |
|---------------------------|----------|
| (1) Three-quarter inch | \$16.00 |
| (2) One inch | \$26.64 |
| (3) One-and-one-half inch | \$53.00 |
| (4) Two inch | \$85.07 |
| (5) Three inch | \$160.00 |
| (6) Four inch | \$266.43 |
| (7) Six inch | \$529.65 |

(f) Commercial, Industrial, Mixed Use, Municipal Potable, Schools, Bulk (Hydrant Meter Use), and Non-Potable Irrigation Volume-Based Water Rates. Effective with all utility bills dated after January 1, 2017, the following monthly volume-based charge will be added to the monthly fixed charges. The following monthly volume-based water rates shall apply per one thousand (1,000) gallons used:

- | | |
|-------------------------------------|--------|
| (1) Indoor Use | \$5.33 |
| (2) Indoor and Outdoor Combined Use | \$6.75 |
| (3) Private Fire | \$0.00 |
| (4) Irrigation Use | \$9.15 |
| (5) Bulk Use | \$9.15 |
| (6) Non-Potable Irrigation | \$3.50 |

(g) Contract Water Surcharge. All taps shall be assessed the following monthly flat fee based on tap size, with or without water usage.

(1) Three-quarter inch	\$4.60
(2) One inch	\$7.68
(3) One-and-one-half inch	\$15.32
(4) Two inch	\$24.52
(5) Three inch	\$46.00
(6) Four inch	\$76.68
(7) Six inch	\$153.32

Meters larger than six inches shall be determined on a case by case basis, after review by the Utilities Department.

Section 3. Section 13-16-17 of the Brighton Municipal Code is hereby amended to read as follows:

(c) Flat wastewater rate - metered water usage. Effective January 1, 2017, residential users of the wastewater system who are metered for water usage will be billed a flat wastewater rate each month, based on the average water usage as reflected in the prior December, January, and February water bills.

(e) Commercial property - rate based on actual water usage.

Section 4. Section 13-16-25 of the Brighton Municipal Code is hereby amended to read as follows:

Sec. 13-16-25. Wastewater plant investment fees and connection charges.

(a) A wastewater plant investment fee (PIF) for City collection system infrastructure shall be paid for each separate tap to any sanitary sewer line within the City. The amount of the fee shall be based on the size of the water service line. The wastewater plant investment fees shall be as follows:

(1) Single family detached, mixed use, commercial, industrial, and other uses not specifically delineated herein shall be assessed a Wastewater Plant Investment Fee based on the associated water tap size in the following amounts:

a. Three-quarter inch	\$2,175
b. One inch	\$3,695
c. One-and-one-half inch	\$7,175
d. Two inch	\$11,520
e. Three inch	\$23,255
f. Four inch	\$39,555
g. Meters larger than four inches shall be considered on a case by case basis.	

- (2) Wastewater Plant Investment Fees for multi-family dwellings, including apartment buildings or condominiums, single-family attached serviced by common tap (such as a duplex or townhomes); and single-family detached with carriage unit shall be assessed based on number of units. A carriage unit that is detached from the main structure will pay the fee for an additional unit. If the carriage unit is restricted to prohibit rental of the unit separate from the main structure, wastewater Plant Investment Fees shall be as detailed in Paragraph (1). These Wastewater Plant Investment Fees shall be as follows:
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|-------------------------|---------|
| a. First Living Unit | \$2,175 |
| b. Each Additional Unit | \$1,412 |

- (3) Mobile home parks shall be charged on a per user unit basis. These fees shall be as shown below:

Each User Unit	\$2,175
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- (4) For any connection greater than two (2) inches, the owner shall provide the City with an acceptable wastewater impact report authorized by a registered professional engineering experienced in wastewater services in addition to payment of the wastewater plant investment fee.

- (5) The developer will make all taps in new developments. A fifty dollar (\$50) inspection fee will be charged for each tap to an existing line.

- (6) No new service lines will be provided outside the corporate limits of the City.

- (b) An additional Wastewater Plant Investment Fee shall be paid for the treatment component associated with each separate tap to any sanitary sewer line within the South Platte Basin of the City. The amount of the fee shall be based on the size of the water tap and shall be equal to the current impact fees assessed by Metro Wastewater and Reclamation District.

- (c) An additional Wastewater Plant Investment Fee shall be paid for the treatment component associated with each separate tap to any sanitary sewer connection within the Beebe Draw Basin of the City. The amount of the fee shall be based on the size of the water service line and shall be equal to the current impact fees assessed by the City of Lochbuie.

Section 5. Section 13-16-40 of the Brighton Municipal Code are hereby amended to read as follows:

- (b) The minimum flow charge for residential customers is three thousand (3,000) gallons.
 (c) New residential accounts shall be charged the minimum flow charge of three thousand (3,000) gallons until the average daily volume is calculated the following winter.
 (d) All other accounts shall be charged based on actual water usage each month.

Section 6. Section 13-16-70 of the Brighton Municipal Code are hereby amended to read as follows:

Sec. 13-16-70 Wastewater Service Charges – Rates – Notifications

(a) Wastewater Service Charge. All wastewater service charges for processing of wastewater in the City shall be assessed pursuant to a schedule of fees to be set by ordinance duly adopted by City Council after review of such fee schedule as the City Council from time to time deems necessary. Every user of the City wastewater system will be charged the monthly wastewater service charge and a usage charge as is outlined in subparagraphs (b) and (c) below.

(b) Effective for all utility bills dated after January 1, 2017, the following shall be the schedule of monthly water service rates for wastewater service:

(1) Residential Monthly Fixed Fee. The following monthly fixed charge shall be billed to all residential wastewater accounts whether there is usage or not. This fee shall be as follows:

Residential Monthly Fixed Fee	\$12.50
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(2) Commercial, Industrial, Mixed Use, and Schools Monthly Fixed Fee. Effective for all utility bills dated after January 1, 2017, the following monthly fixed rate shall be billed to all water accounts whether there is water usage or not. These fees shall be applied based on tap size.

a. Three-quarter inch	\$21.50
b. One inch	\$50.82
c. One-and-one-half inch	\$124.57
d. Two inch	\$225.76
e. Three inch	\$474.23
f. Four inch	\$858.00
g. Six inch	\$2,314.43

(c) Flat Wastewater Rate – Metered Water Usage. Effective for all utility bills dated after January 1, 2017, all users of the wastewater system who are metered for water usage will be billed a flat wastewater rate each month, based on the average water usage as reflected in the prior December, January, and February water bills. Monthly volume-based wastewater rates per one thousand (1,000) gallons of water usage are as follows

(1) Residential	\$4.76
(2) Commercial	\$5.84
(3) Municipal	\$4.76

(d) Flat Wastewater Rate – Non-Metered Water Usage. Effective for all utility bills dated after January 1, 2017, those users of the wastewater system who are not metered for water usage will be billed a flat wastewater rate each month. The monthly flat wastewater rates for non-metered water are as follows:

(1) Residential	\$25.37
(2) Multi-Family	Number of Dwelling Units times \$25.37
(3) Commercial	\$53.14

- (e) Commercial Property – Rated Based on Actual Water Usage. Effective for all utility bills dated after January 1, 2017, any owner of a commercial property in the City which receives City wastewater service may request to be billed a wastewater rate based on actual water usage each month. Such request shall be made annually on forms provided by the City. The effective date for such billing shall be the first full monthly billing after such written request is approved. Monthly volume-based rates per one thousand (1,000) gallons of water usage for approved commercial users shall be as follows:

Commercial	\$5.84
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Section 7. Storm Water Impact Fees. Section 13-20-60 of the Brighton Municipal Code are hereby amended to read as follows:

Sec. 13-30-60. Storm drainage impact fee schedule. The storm drainage impact fee shall be paid at the time of application for building permit and shall be in accordance with a schedule of fees, rates, and charges as adopted by the annual fee resolution, ordinance, or otherwise. The storm drainage impact fee (“fee”) shall be payable in the following amounts which are effective on and after January 1, 2017:

- (a) For all properties located within the OSP Area:
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|--|---------|
| (1) Single-family residential | \$4,360 |
| (2) Multi-family residential, per dwelling unit | \$2,200 |
| (3) Non-residential, commercial, mixed use or industrial. Seventy-two cents (\$0.72) per square foot of impervious surface, including all remodels and/or additions of one thousand (1,000) square feet or greater | |
- (b) For all properties located outside of the OSP Area:
- | | |
|---|---------|
| (1) Single-family residential | \$1,697 |
| (2) Multi-family residential, per dwelling unit | \$852 |
| (3) Non-residential, commercial, mixed use or industrial. Sixty cents (\$0.60) per square foot of impervious surface area, including all remodels and/or additions of one thousand (1,000) square feet or greater | |

Section 8. Storm Drainage Enterprise. Section 3 of Ordinance No. 2167 and Section 13-20-81 of the Brighton Municipal Code are hereby amended to read as follows:

Section 13-20-81. Storm Drainage Maintenance Fee – Rates.

- (a) The storm drainage maintenance fees shall be used solely for administration, engineering, professional services, design, installation, repair, maintenance, operation, management, and improvement of the storm drainage facilities in the City necessary for the Utility to reasonably manage storm drainage in the City.

- (1) All storm drainage maintenance fee charges shall be assessed pursuant to a schedule of fees to be set by ordinance duly adopted by the City Council after review of such fee schedule as the City Council from time to time may deem necessary. The following monthly storm drainage maintenance fees shall be effective January 1, 2017, and shall be assessed on all Utilities account holders within the City of Brighton City Limits independent of water and sewer usage.
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|--|---------|
| a. Single-family residential | \$5.00 |
| b. Multi-family residential | \$6.50 |
| c. Non-residential, commercial, mixed used, schools, other | \$14.00 |

Section 9. Sec. 14-2-100. - City inspections; costs of remediation.

(a) The Director shall enforce the requirements of this Article and, in the course of carrying out such duties, shall have the authority to enter upon permitted lands and adjacent and abutting lands for inspection purposes as provided in Article 1-20 of this Code.

(b) If the Director determines that erosion or other activity has caused a disturbed area, the Director may, in writing, direct the landowner, developer, builder, permittee or such person's agents or representatives, as the case may be, to repair, replace and/or install any sediment control or erosion control facilities that were required for the site in the ESCP, or require that additional sediment and/or erosion controls be installed if deemed necessary by the Director, in order to minimize said sediment from migrating off-site. The Director shall have authority to issue stop work orders or such other administrative orders as are necessary and appropriate under the circumstances, including the suspension or revocation of any permit. It shall be unlawful for any landowner, developer, builder, permittee or other responsible person to fail to undertake all reasonable and necessary measures to comply with such written directives and to prevent sediment from migrating off-site.

(c) The City shall inspect the site once per month to be followed by a re-inspection to ensure any items noted on the inspection report have been completed. The date and time of re-inspection will be stated in the inspection report. The permittee shall be charged a re-inspection fee of two-hundred fifty dollars (\$250.00) for any inspection or re-inspection beyond the two inspections per month covered by the ESC permit fee.

(d) If a permittee hereunder does not diligently and faithfully complete all work required by the ESCP or any City inspection report, or otherwise violates any requirement of the ESCP or this Article, then the Director may take reasonable and necessary corrective measures and charge the reasonable cost and expenses of such measures to the permittee. Such costs may include the actual cost of any work deemed necessary by the Director in order to obtain or maintain permit compliance, plus reasonable administrative and inspection costs pursuant to the *Brighton Stormwater Quality Enforcement Policy*. If the total of such costs exceeds the amount of the permittee's performance security, the permittee shall be individually, jointly and severally responsible for payment of any remaining balance within thirty (30) calendar days of receipt of a reasonably detailed written accounting and invoice from the City.

(e) If any landowner, developer, builder, permittee or other responsible person fails to adequately maintain the permanent stormwater runoff quality control measures required by the


ESCP or other written requirements of the Director, or fails to remove and remediate any temporary measures, the Director may, after notifying such person of the required maintenance and/or removal, and such person's failure to perform such maintenance and/or removal within ten (10) business days thereafter, enter upon the property and perform or cause to be performed the required work and assess the reasonable costs and expenses of such work against such person, as provided in Article 1-20 of this Code.

(f) At such time as any assessment for work performed by the City as provided herein has not been paid by the landowner, developer, builder, permittee or other responsible person, the Finance Director shall certify said amount in default, together with full information as to the dates of delinquency, to the appropriate county treasurer for collection in the same manner and with the same interest and penalties thereon as other taxes collected by the county treasurer on behalf of the City; and all of the laws of the State for the assessment and collection of general taxes, including the laws for the sale of property for taxes and redemption therefrom, shall be applicable to and shall have the same effect with respect to the collection of such delinquent amounts.

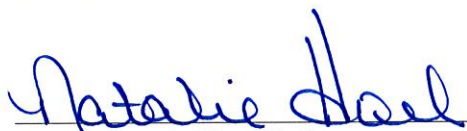
(g) All unpaid costs of remediation shall be a lien on the property and enforced as more fully provided in Section 13-4-110 of this Code.

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED this 15th day of November, 2016.


CITY OF BRIGHTON, COLORADO


Richard N. McLean, Mayor

ATTEST:


Natalie Hoel, City Clerk

APPROVED AS TO FORM:


Margaret R. Brubaker, City Attorney


Published in the *Brighton Standard Blade*
First Publication: November 23, 2016

**INTRODUCED, PASSED ON SECOND READING AND ORDERED PUBLISHED BY
TITLE ONLY this 6th day of December, 2016.**

CITY OF BRIGHTON, COLORADO


Richard N. McLean, Mayor

ATTEST:


Natalie Hoel, City Clerk

Published in the *Brighton Standard Blade*
Final Publication: December 14, 2016